IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 295 OF 2005

SHRI RAMA KRISHNA SARMALKAR, PEDNE GOA ....Petitioner

Versus

SHRI KRISHNA BABU KINLEKAR AND 11 ORS., ...Respondents

Shri S.G. Dessai, Sr. Advocate with Shri Bhupesh Prabhu,Advocate for the Petitioner.
Shri A.D. Bhobe, Advocate for the Respondents.

Coram:- R. M. LODHA, J.

Date:- 21st October, 2005

P.C.:

Heard.

2. I am informed that the proceedings before the Joint Mamlatdar has been directed to be disposed of within one year by the Administrative Tribunal, Goa vide its Order dated 11th April, 2005. Six months have already expired thereafter. In the meanwhile it is not in dispute that the status quo is being maintained by the parties. In the circumstances, I am satisfied that it is not necessary to go into the merits of the diverse aspects raised by the parties as, in my view, the interest of justice will be subserved if the parties are directed to maintain status quo until disposal of the proceedings by the Joint Mamlatdar in Tenancy Case No.JM/TNC/53/92 and the Joint Mamlatdar hears and decides the tenancy case as expeditiously as possible by 30th April, 2006.

3. As a matter of fact, the learned Senior Counsel and the counsel appearing for the parties were satisfied about the said order. Hence the Writ Petition is disposed of by the following Order :-

(i) The Joint Mamlatdar of Perenm is directed to hear and decided Tenancy Case No.JM/TNC/53/92 (Rama Krishna Sarmalkar v. Krishna Babu Kinalekar and another) as early as possible and in no case later than 30th April, 2006.

(ii) The parties to the proceedings are directed to maintain status quo in all respects until the disposal of the Tenancy Case.

(iii) All the parties shall cooperate with the Joint Mamlatdar in expeditious disposal of the aforesaid Tenancy Case.

(iv) It is made clear that in case of the petitioner seeking more than two adjournments in the proceedings before the Joint Mamlatdar, the order of status quo shall stand discharged.

(v) To avoid any further controversy of status quo, as requested by the learned Senior Counsel and the Counsel for the parties, I direct that a site inspection of the property being in Survey No.540 sub-division 1 of village Dargal (known as Boroda Mapxecarachem Deulacodil also known as Vaman Joshi Bharad) be done by the Court Commissioner. The Registrar in that regard shall appoint a responsible officer of the Registry to act as Court Commissioner and inspect the site after giving notice to the parties within two weeks from today and place his report about actual position of the land so also possession in the file of the Writ Petition and copy thereof shall be sent to the Joint Mamlatdar, Pernem in Tenancy Case No.JM/TNC/53/92. The petitioner shall deposit a sum of Rs.2000/- towards costs with the Registrar within one week from today.

4. Needless to say that any observation made by the Administrative Tribunal in the impugned order shall not influence the decision by the Joint Mamlatdar in the Tenancy Case as it has to be decided on merits.

Writ Petition is disposed of accordingly.

R. M. LODHA, J.

sl.